

**UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WESLEY UHRHAN and SHARON UHRHAN,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
B&B CARGO, INC., et al.,)	
)	
Defendants.)	
<hr style="border: 0.5px solid black;"/>)	
JUSTINE THOMPSON,)	
)	
Plaintiff,)	
)	Case No.: 4:17-CV-02720-JAR
vs.)	
)	
B&B CARGO, INC., et al.,)	(Consolidated with Case Nos.:
)	4:18-CV-02055-RWS and
Defendants.)	4:19-CV-02551-NAB)
<hr style="border: 0.5px solid black;"/>)	
GLEN PAASCH,)	
)	
Plaintiff,)	
)	
vs.)	
)	
B&B CARGO, INC., et al.,)	
)	
Defendants.)	

**PLAINTIFF JUSTINE THOMPSONS’
FIRST AMENDED COMPLAINT**

COMES NOW the Plaintiff Justine Thompson (“Thompson”) and for her claims against Defendants B&B Cargo, Inc. (“B&B Cargo”), B&B Truck Line, Inc. (“B&B Truck”), Gurjit Singh (“Singh”), and Total Quality Logistics, LLC (“TQL”), states as follows:

PARTIES

1. Plaintiff Thompson is an injured party, with her physical place of residence in Shawnee, Pottawatomie County, Oklahoma.

2. Plaintiff Thompson's injuries occurred in Phelps County, State of Missouri.

3. Defendant B&B Cargo is a California corporation – with its principal place of business in the State of California thus making it a citizen of California – doing business as a transportation company operating tractor trailers on the roadways in the State of Missouri including near the intersection of Interstate 44 and Route U in Phelps County, Missouri.

4. Defendant B&B Truck is a California corporation – with its principal place of business in the State of California thus making it a citizen of California – doing business as a transportation company brokering loads and/or operating tractor trailers on the roadways in the State of Missouri including near the intersection of Interstate 44 and Route U in Phelps County, Missouri.

5. At all pertinent times, Defendant B&B Cargo and B&B Truck conducted its usual and customary business as an interstate motor carrier throughout the United States, including the state of Missouri.

6. At all pertinent times, Defendant B&B Cargo and B&B Truck acted by and through its employees and actual and apparent agents and/or servants, including but not limited to each other and/or Defendant Singh.

7. Defendant Gurjit Singh is a resident of the County of Queens, State of New York and at all times relevant hereto was an agent, servant and/or employee of Defendants B&B

Cargo, B&B Truck, and TQL and was acting in the course and scope of his agency, servitude and/or employment.

8. Defendant Total Quality Logistics, LLC is an Ohio company – with its principal place of business in the State of Ohio thus making it a citizen of Ohio – authorized to do business in the State of Missouri maintaining a substantial office and employee presence in Missouri and doing business as a transportation company operating tractor trailers on the roadways in the State of Missouri including near the intersection of Interstate 44 and Route U in Phelps County, Missouri.

9. At all pertinent times, Defendant TQL conducted its usual and customary business as an interstate motor carrier throughout the United States, including the state of Missouri.

10. At all pertinent times, Defendant TQL acted by and through its actual and apparent agents, servants, and/or employees including but not limited to Defendant B&B Cargo, B&B Truck and Singh.

JURISDICTION & VENUE

11. Complete diversity of citizenship exists between the parties of this action and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1332(a).

12. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(a) in that the collision giving rise to the claims herein set forth occurred in the County of Phelps, State of Missouri, which is within this judicial district.

GENERAL ALLEGATIONS

13. On or about July 23, 2017, Defendant Singh was operating a 2015 Volvo Conventional Cab Semi-truck and trailer (“Truck”) owned and/or operated by Defendant B&B Cargo, and/or B&B Truck, and/or TQL and was traveling westbound on I-44 at its intersection with Route U, Phelps County, Missouri.

14. On or about July 23, 2017, at approximately 2:17 p.m. Thompson, was a passenger in a vehicle traveling eastbound on I-44 at its intersection with Route U, Phelps County, Missouri.

15. At the above-mentioned time and place, Defendant Singh – and Defendants B&B Cargo, B&B Truck, and/or TQL operating by and through Singh – negligently, recklessly and carelessly lost control of the truck, and caused the truck to cross the median and rollover into the path of eastbound I-44 oncoming vehicles including the Thompson vehicle.

16. As a direct and proximate result and consequence of the negligence and recklessness of Defendants B&B Cargo, B&B Truck, Singh, and TQL, the vehicle in which Thompson was a passenger was caused to collide with the truck which caused or contributed to cause Thompson to suffer injuries.

COUNT I NEGLIGENT OPERATION OF MOTOR VEHICLE

17. Plaintiff realleges and reincorporates paragraphs 1-16 above as though fully set forth herein.

18. The collision between the Truck and the Thompson vehicle, was a direct and proximate result of Defendants' failure to use the highest degree of care and Defendants' negligent, reckless, and careless conduct in at least the following respects:

- a. Defendants failed to keep a careful lookout;
- b. Defendants drove at an excessive speed;
- c. Defendants drove in a reckless manner;
- d. Defendants failed to keep the tractor trailer under control;
- e. Defendants caused and allowed the tractor trailer to leave the roadway;
- f. Defendants failed to act to avoid a collision after danger of collision became or should have become apparent;
- g. Defendants failed to slow or stop or swerve the tractor trailer in a safe manner to avoid leaving the roadway, but nevertheless failed to avoid the incident with the means available; and
- h. Such other negligent and careless actions and/or omissions as discovery may reveal.

19. As a direct and proximate result of the aforesaid occurrence and injuries, the Plaintiff herein has been damaged suffering personal injuries as a result thereof.

20. The aforesaid conduct of the Defendants resulted in the injuries in Plaintiff Thompson and she is entitled to recovery pursuant to MO. REV. STAT. §537.067.

WHEREFORE, Plaintiff prays for judgment against Defendants and each of them, jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for aggravating circumstances damages, for their costs incurred herein and for such other and further relief as the court deems just and proper.

**COUNT II
NEGLIGENCE PER SE**

21. Plaintiffs reallege and reincorporate paragraphs 1-20 above as though fully set forth herein.

22. The collision described herein was a direct and proximate result of all Defendants' negligence per se in at least the following respects:

a. Defendants drove at a speed that was too fast for conditions then existing as required by MO. REV. STAT. §304.012;

b. Defendants operating by and through Singh failed to operate its motor vehicle in a careful and prudent manner as required by MO. REV. STAT. §304.012;

c. Defendants operating by and through Singh failed to operate its motor vehicle at a reasonable speed, under the circumstances, so as not to endanger the life, limb, or property of another as required by MO. REV. STAT. §304.012.

d. Defendants operating by and through Singh failed to yield the right of way and drive on the right side of the highway as required by MO. REV. STAT. §304.015 *et seq.*

e. Defendants operating by and through Singh failed to properly enter a controlled access highway in violation of MO. REV. STAT. §300.010(7) *et. seq.*

23. The direct and proximate result of the aforesaid occurrences and the carelessness and negligence per se of all Defendants, the Plaintiff has suffered personal injuries herein and entitled to recovery of damages.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), for aggravating circumstances damages, for her costs incurred herein, and for such other and further relief as the court deems just and proper.

. COUNT III

NEGLIGENT BROKERING

24. Plaintiffs reallege and reincorporate paragraphs 1-23 above as though fully set forth herein and pleading in the alternative to other allegations of negligence herein state as follows.

25. The collision between the Truck and Thompson was the direct and proximate result of the negligence and carelessness of Defendants TQL and/or B&B Truck in brokering the load carried by the Truck at the time of the collision to an unsafe company and/or driver.

26. As a direct and proximate result of the aforesaid occurrence and personal injuries the Plaintiff herein has been damaged.

WHEREFORE, Plaintiff prays for judgment against Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for such circumstances, damages, for costs incurred herein and for such other and further relief as the court deems just and for such other and further relief as the court deems just and proper.

COUNT IV NEGLIGENT SELECTION OF SHIPPING BROKER

27. Plaintiff reallege and reincorporate paragraphs 1-26 above as though fully set forth herein. Pleading in the alternative:

28. The collision between the Truck and Thompson was a direct and proximate result of Defendant TQL's failure to use the requisite degree of care in selecting a safe transporting truck line.

29. As a direct and proximate result of the aforesaid occurrence and injuries, the Plaintiff herein has been damaged, suffering personal injuries as fully set forth herein above.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) and for such other circumstances, damages, for costs and fees incurred herein, with interest thereon, and for such other and further compensatory relief as the court deems just and proper.

Respectfully submitted,

/s/ Matthew J. Sill

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Jury Trial Demanded
Attorney Lien Claimed

ATTORNEY FOR PLAINTIFF
JUSTINE L. THOMPSON

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2020 a true and correct copy of the above and foregoing was served on all parties of record using the Court's ECF system.

/s/ Matthew J. Sill